

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

-----X		<b>07 CIV 4022 (RMB)</b>
<b>ELISSA BECKER,</b>	:	
	:	<b>FIRST REQUEST</b>
<b>Plaintiff,</b>	:	<b>FOR ADMISSIONS</b>
	:	
<b>-against-</b>	:	
	:	
<b>EBER BROS. WINE &amp; LIQUOR</b>	:	
<b>CORPORATION and EBER-NDC, LLC</b>	:	
	:	
<b>Defendants.</b>	:	
-----X		

Pursuant to Rule 36(a) of the Federal Rules of Civil Procedure, Plaintiff, Elissa Becker, by her attorney, Jonathan Pollack, Attorney at Law, requests defendant Eber Bros. Wine & Liquor Corporation, within thirty (30) days after service of this request to make the following admissions for the purpose of this action only and subject to all pertinent objections to admissibility which may be interposed at trial:

**DEFINITIONS**

A. Plaintiffs hereby incorporate by reference the definitions, rules of construction and instructions set forth in Local Civil Rule 26.3 of the Southern District of New York.

B. The term Employment Agreement shall refer to the contract entered into by and between plaintiff and Eber Bros. Wine & Liquor Corporation and identified and attached as Exhibit A to the Complaint.

### ADMISSIONS

The following statements are true:

- 1) Elissa Becker was not terminated for cause as such term is defined in paragraph 8 of the Employment Agreement.
- 2) The Employment Agreement was never transferred or assigned to Eber-NDC, LLC.
- 3) The Employment Agreement was never transferred or assigned to any third party.

Dated: New York, NY  
September 13, 2007

Law Offices of  
Jonathan S. Pollack

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CERTIFICATE OF SERVICE

I hereby certify that on September 14, 2007 I caused a copy of **PLAINTIFF S' FIRST REQUEST FOR ADMISSIONS** to be served on Defendant listed below by sending the same via e-mail by prior arrangement with Melanie Sarkis, Esq. attorney for Defendant Eber Bros. Wine & Liquor Corporation.

HARRIS, BEACH PLLC  
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Attorneys for Defendant  
Eber Bros. Wine & Liquor Corporation  
and Eber-NDC, LLC  
e-mail: msarkis@HarrisBeach.com

Dated: September 14, 2007

By: /Jonathan Pollack/  
Jonathan Pollack